

Article - Family Law

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§10–108.2.

(a) (1) Except as otherwise provided in this subtitle, in this section and in §§ 10-108.3 and 10-108.4 of this subtitle, the following words have the meanings indicated.

(2) (i) “Account” means:

1. any funds from a demand deposit account, checking account, negotiable order of withdrawal account, savings account, time deposit account, money market mutual fund account, or certificate of deposit account;

2. any funds paid towards the purchase of shares or other interest in a financial institution, as defined in paragraph (4)(ii) and (iii) of this subsection; and

3. any funds or property held by a financial institution, as defined in paragraph (4)(iv) of this subsection.

(ii) “Account” does not include:

1. an account or portion of an account to which an obligor does not have access due to the pledge of the funds as security for a loan or other obligation;

2. funds or property deposited to an account after the time that the financial institution initially attaches the account;

3. an account or portion of an account to which the financial institution has a present right to exercise a right of setoff;

4. an account or portion of an account that has an account holder of interest named as an owner on the account; or

5. an account or portion of an account to which the obligor does not have an unconditional right of access.

(3) “Account holder of interest” means any person, other than the obligor, who asserts an ownership interest in an account.

(4) “Financial institution” means:

(i) a depository institution, as defined in the Federal Deposit Insurance Act at 12 U.S.C. § 1813(c);

(ii) an institution-affiliated party, as defined in the Federal Deposit Insurance Act at 12 U.S.C. § 1813(u);

(iii) a federal or state credit union, as defined in the Federal Credit Union Act at 12 U.S.C. § 1752;

(iv) a State credit union regulated under Title 6 of the Financial Institutions Article;

(v) an institution-affiliated party, as defined in the Federal Credit Union Act at 12 U.S.C. § 1786(r); or

(vi) a benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity doing business in the State that holds property or maintains accounts reflecting property belonging to others.

(b) For purposes of subsection (a)(4)(v) of this section, any reference to “insured credit union” at 12 U.S.C. § 1786(r) shall be construed to include a credit union insured in accordance with § 6-701(a)(2) of the Financial Institutions Article.

(c) To carry out the purposes of this section, the Administration may request from any financial institution information and assistance to enable the Administration to enforce the liability of a parent to support a child of the parent.

(d) (1) The Administration may request not more than four times a year from a financial institution the information set forth in subsection (e)(2) of this section concerning any obligor in arrears in paying child support through a support enforcement agency.

(2) A request for information by the Administration under paragraph (1) of this subsection shall:

(i) contain:

1. the full name of the obligor and any other names known to be used by the obligor; and

2. the Social Security number or other taxpayer identification number of the obligor; and

(ii) be transmitted to the financial institution in an electronic format unless the financial institution specifically asks the Administration to submit the request in writing.

(e) (1) Within 30 days after a financial institution receives a request for information under subsection (d) of this section, the financial institution shall:

(i) notify the Administration that the financial institution submits reports indirectly through the Federal Parent Locator Service under 42 U.S.C. § 666(a)(17); or

(ii) with respect to each obligor whose name the Administration submitted to the financial institution and who maintains an account with the financial institution, submit a report to the Administration.

(2) The report described in paragraph (1)(ii) of this subsection shall contain, to the extent reflected in the records of the financial institution:

(i) the full name of the obligor;

(ii) the address of the obligor;

(iii) the Social Security number or other taxpayer identification number of the obligor;

(iv) any other identifying information needed to assure positive identification of the obligor; and

(v) for each account of the obligor, the obligor's account number and balance.

(3) A report submitted under paragraph (1)(ii) of this subsection shall be provided to the Administration in machine readable form.

(4) The Administration shall pay the financial institution a reasonable fee, not to exceed the actual costs incurred by the financial institution to comply with the requirements of this section and § 10-108.3 of this subtitle including costs for:

(i) compiling and providing reports to the Administration;

(ii) compiling and providing reports through the Federal Parent Locator Service, but in such a case the actual costs of the financial institution

shall be based on a percentage of the financial institution's total actual cost, which percentage shall be determined by dividing the total number of accounts maintained by the financial institution in Maryland by the total number of accounts maintained by the financial institution for all jurisdictions included in the report; and

(iii) necessary upgrades to existing computer, software, or other data compilation systems that are directly related to compliance with the requirements of this section and § 10-108.3 of this subtitle.

(5) The Administration may institute civil proceedings to enforce this section.

(f) A financial institution that complies with a request from the Administration by notifying the Administration or submitting a report to the Administration in accordance with subsection (e) of this section is not liable under State law to any person for any:

(1) disclosure of information to the Administration under this section; or

(2) other action taken in good faith to comply with the requirements of this section.

(g) An institution-affiliated party, as defined in subsection (a)(4)(ii) and (v) of this section, is not required to provide information and assistance under this section if the financial institution with which the party is affiliated has otherwise provided the required information or assistance.

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